

Objections to the Figures of the Drawings

In the Final Rejection of April 12, 2005, with regard to the drawings the Examiner states as follows:

“The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the a slide drive slidably supported in said track for sliding movement of said slide drive along said track in said first direction, said slide drive including a plurality of cutouts, said first side of each of said plurality of intake vanes being pivotally mounted at a respective pivot location to said slide drive such that a portion of each of said plurality of intake vanes extend into a respective one of said plurality of cut-outs; dual separator plates must be shown or the feature(s) canceled from the claim (s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as ‘amended’. If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either ‘Replacement Sheet’ or ‘New Sheet’ pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next office action. The objection to the drawings will not be held in abeyance.”

Applicant respectfully submits that the objection to the drawings under 37 CFR 1.83(a) by the Examiner, as set forth in the Final Rejection of April 12, 2005, has now been rendered moot by virtue of the following actions that have been taken by Applicant in accordance with this Amendment Under Rule 116:

1) by this Amendment, Claim 8, which contains a recitation of “dual separator plates”, a feature deemed by the Examiner in the Final Rejection of April 12, 2005 not to be shown in the drawings of this application, has been cancelled;

2) by this Amendment, Claim 5 has been rewritten as new Claim 9 for purposes of not including in new Claim 9 the recitation of a “track”, which had previously been included in now cancelled Claim 5, a feature deemed by the Examiner in the Final Rejection of April 12, 2005 not to be shown in the drawings of this application; and

3) insofar as the other features to which the Examiner has made reference in the Examiner’s objection to the drawings under 37 CFR 1.83(a), as set forth in the Final rejection of April 12, 2005, are concerned, Applicant respectfully submits the following:

a) with regard to the “slide drive” feature as presently recited in new Claim 9, to wit, “a slide drive slidably supported for sliding movement of said slide drive in a first direction”, Applicant respectfully submits that support for this recitation can be found i) in the description thereof, which appears by way of exemplification and not limitation on page 11, line 27 to page 12, line 2 of the Specification of the instant application, especially when this description is coupled with ii) the illustration thereof that is to be found set forth particularly in Figure 6 of the drawings for the instant application wherein the “slide drive” is identified by the reference numeral “119”;

b) with regard to the “plurality of cut-outs” feature as presently recited in new Claim 9, to wit, “said slide drive including a plurality of cut-outs”, Applicant respectfully submits that support for this recitation can be found i) in the description thereof, which appears by way of exemplification and not limitation on page 12, lines 3–7 of the Specification of the instant application, especially when this description is coupled with ii) the illustration thereof that is to be found set forth

particularly in Figure 4b of the drawings for the instant application wherein one of the “plurality of cut-outs” is identified by the reference numeral “120”; and

c) with regard to the “plurality of intake vanes” feature as presently recited in new Claim 9, to wit, “said first side of each of said plurality of intake vanes being pivotally mounted at a respective pivot location to said slide drive such that a portion of each of said plurality of intake vanes extends into a respective one of said plurality of cut-outs”, Applicant respectfully submits that support for this recitation can be found i) in the description thereof, which appears by way of exemplification and not limitation on page 12, lines 4-10 of the Specification of the instant application, especially when this description is coupled with ii) the illustration thereof that is to be found set forth particularly in Figure 6 of the drawings for the instant application wherein one of the “plurality of intake vanes” is identified by the reference numeral “114”.

REMARKS

Reconsideration of this application is hereby respectfully requested.

A Petition For extension of Time Under 37 CFR 1.1369a) for an extension of time of three (3) months in the shortened statutory period set for response to the Final Rejection dated April 12, 2005 in the above-identified application thereby extending said period for response from July 12, 2005 to October 12, 2005 is being filed concurrently with the filing of this Amendment Under Rule 116, whereby this Amendment Under Rule 116 will be deemed to have been timely filed.

A Notice of Appeal is also being filed concurrently with the filing of this Amendment Under Rule 116 as a contingency in the event that the Examiner should deem this Amendment under Rule 116 has not placed this case in condition for allowance.

By this Amendment under Rule 116, Claims 5, 7 and 8 are all being cancelled. Claim 5 has been cancelled and has been rewritten as new Claim 9 in order not to include therein the recitation of the "track" feature, which the Examiner in the Final Rejection of April 12, 2005 has deemed not to be shown in the drawings of the above-identified application. Claim 6 has been amended to change its dependency from now cancelled Claim 5 to new Claim 9. Claim 7 has been cancelled and has been rewritten as new Claim 10 in order i) not to include therein the recitation of the "track" feature, which the Examiner in the Final Rejection of April 12, 2005 has deemed not to be shown in the drawings of the above-identified application, and ii) new Claim 10 has been made dependent on Claim 6 just as now cancelled Claim 7 had been.

In the Final Rejection of April 12, 2005, Claim 8 has been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. With regard to the rejection in the Final Rejection of April 12, 2005 of Claim 8 under 35 U.S.C. 112, first paragraph, the Examiner states as follows:

"The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. Claim 6 [sic] refers to dual separator plates which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.”

Although in the statement quoted above the Examiner in discussing the “dual separator plates” refers to Claim 6, Applicant assumes that this is simply a typo and that the Examiner in fact intended to refer to Claim 8. As such, be that as it may, Applicant respectfully submits that with the cancellation by this Amendment Under Rule 116 of Claim 8, the rejection of Claim 8 under 35 U.S.C. 112, first paragraph, in the Final Rejection of April 12, 2005 has been rendered moot.

With respect to the references, which have been made of record in the above-identified application but which have not been relied upon by the Examiner in the Final Rejection of April 12, 2005, Applicant respectfully submits that none of these references either teaches or even suggests, either when considered individually or when taken collectively, his invention as presently defined in Claim 6 and new Claims 9 and 10, the only claims remaining under consideration in the instant application after this Amendment Under Rule 116 has been entered in the instant application.


In view of the Examiner’s indication in the Final Rejection of April 12, 2005 that Claims 5 to 7, inclusive, were directed to allowable subject matter, Applicant respectfully submits that in view of this indication of allowable subject matter by the Examiner particularly when considered with the above amendments and remarks that are set forth in this Amendment Under Rule 116 new independent Claim 9 and dependent Claims 6 and 10, which each traces its dependency to new independent Claim 9, the only claims remaining under consideration are clearly allowable, and that this case is clearly in condition for allowance, and such action is accordingly respectfully requested.

In the event that the Examiner should find that this Amendment Under rule 116 would, except for the existence of certain relatively minor matters, place this application in condition for allowance the Examiner is hereby requested to call

Applicant's attorney of record in this application in order that these relatively minor matters may be readily disposed of.

On the other hand, should the examiner be of the opinion that this Amendment Under Rule 116 does not place this application in condition for allowance, the examiner is respectfully requested to enter this Amendment Under Rule 116 for purposes of appeal.

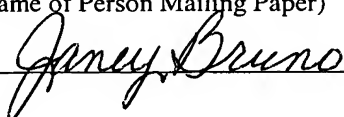
Respectfully submitted,


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Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Janey Bruno
(Typed or Printed Name of Person Mailing Paper)


(Signature)